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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,733	10/31/2001	Ernest A. Marvin III	83042	1318
23523	7590	10/31/2007	EXAMINER	
NAVAL UNDERSEA WARFARE CENTER			POINVIL, FRANTZY	
DIVISION NEWPORT			ART UNIT	PAPER NUMBER
1176 HOWELL STREET			3692	
CODE 000C			MAIL DATE	
NEWPORT, RI 02841			10/31/2007	
			DELIVERY MODE	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/006,733	MARVIN ET AL.
	Examiner Frantzy Poinvil	Art Unit 3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 July 2007.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 and 11-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 3-9 and 11-17 is/are allowed.  
 6) Claim(s) 1-2 and 18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Applicant's arguments are moot in view of the new ground of rejection found below. In view of the Appeal Brief filed on 7/17/2007, PROSECUTION IS HEREBY REOPENED. A rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments are moot in view of the new ground of rejection found below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (US Patent No. 6,292,830).

As per claim 1, Taylor discloses a system and method comprising business agents acting on a collaborative process of implementing and executing a business plan. In so doing, Taylor discloses a business development process for an organization utilizing a business development database comprising the steps of:

collecting data for ideas from a plurality of sources (column 79, lines 23-33 and column 80, lines 35-65);

identifying core equities of the organization (column 31, lines 22-39) and column 34, lines 44-67);

filtering said collected idea data by identifying potential business opportunities as those collected ideas that fall within the identified core equities (column 41, lines 14-34, column 43, lines 22-33)

performing an opportunity analysis on said identified potential business opportunities to determine valid business opportunities (column 43, lines 22-33) and committing resources to said valid business opportunities and developing a business proposal for said valid business opportunities;

As per these limitations see column 46, line 4 to column 47, line 22 and column 55, line 33 to column 56, line 12.

Taylor et al do not explicitly state submitting said developed business proposal to a potential buyer of said valid business opportunity determining if submission of said developed business proposal is a success. However, it is noted that Taylor et al teach running a business or organization which is expected to grow as new products are being developed. See column 55, lines 15-31. Thus, executing a business plan requires investors to invest in the business as such

is well known in the art. Furthermore, Taylor et al identify roles of investors investing in their system. See column 71, lines 5-60. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taylor et al to include such a function in order to obtain investors to invest in the business proposal. Taylor et al. also teach executing said business opportunity.

As per claim 2, Taylor et al disclose making various types of reviewing made by the development team using what if scenarios and presented alternatives and that different members of the development team may be located in different geographical location or point of contact. See column 34, lines 14-67, column 37, lines 49-65, column 42, lines 45-47 and column 48, lines 10-40.

As per claim 18, claim 18 recites well-known business decision that would have been made by a business owner after receiving the status of a business proposal. These steps although not explicitly recited in Taylor, the Examiner asserts that such would have been obvious to one of ordinary skill in the art in business management to introduce in the system and method of Taylor in order to proceed with the execution of a business decision therefore satisfying all involved parties.

4. Claims 2-9 and 11-17 are allowable over the art of record in view of the arguments presented in the Appeal Brief submitted on 7/17/2007.

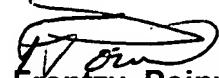
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-

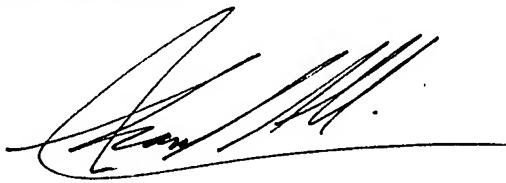
6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Frantzy Poinvil  
Primary Examiner  
Art Unit 3692

FP  
October 27, 2007

  
KAMBIZ ABDI  
SUPERVISORY PATENT EXAMINER

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